

REMARKS

Claims 1-4, 6-7, 16, 18, 20-21 and 46 are pending in this application. For purposes of expedition, claims 1-4, 6, 7, 16, 18, 20, 21 and 46 have been amended to avoid the outstanding rejection and to place all claims in condition for allowance.

Claims 2-4, 6, 7, 18, 20 and 21 have been conditionally allowed if rewritten in independent form to include all of the limitations of their respective base claims 1 and 16. The Examiner's indication of allowability of these claims is noted with appreciation.

Turning now to the substance of the Office Action, claim 46 has been provisionally rejected under 35 USC §101 as claiming the same invention as that of claim 13 of co-pending application Serial No. 11/432,329. In response thereto, claim 46 has been amended to capture the allowable subject matter as previously indicated by the Examiner, while avoiding the double patenting rejection. As amended, Applicants respectfully request the rejection be withdrawn. In the event that an obviousness type of double patenting rejection may be formulated based on the co-pending application, a terminal disclaimer is enclosed to place all claims in condition for allowance.

Separately, claim 1 has been provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 15 of co-pending application Serial No. 11/430,879 for reasons stated on pages 3-4 of the Office Action. Likewise, claim 16 has been provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 16 of the same co-pending application Serial No. 11/430,879 for reasons stated on pages 4-5 of the Office Action. Again, in the interest of expedition, a terminal disclaimer, as discussed, is enclosed to place all claims in condition for allowance.

In view of the foregoing amendments, arguments and remarks, all claims are deemed to be allowable, and this application is believed to be in condition to be passed to issue. Should any questions remain unresolved, the Examiner is requested to telephone Applicants' attorney at the Washington DC office at (202) 216-9505. Applicants respectfully reserve all rights to file subsequent related application(s) (including reissue applications) directed to any or all previously claimed limitations/features which have been amended or canceled, or to any or all limitations/features not yet claimed, i.e., Applicants have no intention or desire to dedicate or

surrender any limitations/features of the disclosed invention to the public.

To the extent necessary, Applicants petition for an extension of time under 37 CFR §1.136. Please charge any shortage of fees due in connection with the filing of this paper, including extension of time fees, to the Deposit Account of Stein, McEwen & Bui, LLP, No. 503333, and credit any excess fees to said deposit account.


Respectfully submitted,

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